

**SHELIA SPEARMAN**

DOCKET NO:

617,434-B

**VERSUS**

**1<sup>st</sup> JUDICIAL DISTRICT COURT**

**WAL-MART LOUISIANA, LLC**

**CADDO PARISH, LOUISIANA**

**PETITION FOR DAMAGES**

**NOW INTO COURT**, through undersigned counsel, comes **SHELIA SPEARMAN**, a resident of the full age of majority of the Parish of Caddo, State of Louisiana, who respectfully represents:

1.

Made defendant herein is **WAL-MART LOUISIANA, LLC** (hereinafter "**WAL-MART**"), a foreign corporation authorized to do and doing business in the State of Louisiana.

2.

On or about June 14, 2018 at approximately 10:00 pm., Plaintiff, **SHELIA SPEARMAN**, was a customer of the Wal-Mart Supercenter located at 4701 Northport Blvd, Shreveport, Caddo Parish, Louisiana (Store# 6932) (hereinafter "**Walmart**").

3.

Walmart is owned and operated by **WAL-MART**.

4.

Plaintiff, **SHELIA SPEARMAN**, had entered Walmart to make some purchases.

5.

An unknown employee of **WAL-MART** had failed to remove water from the floor near one of the checkout counters.

6.

As **SHELIA SPEARMAN** approached a register to purchase her items, she slipped and fell on said water that was on the floor.

7.

**SHELIA SPEARMAN** was injured as a result of the fall.

8.

Prior to falling, there were no warning signs, devices, or other notice to **SHELIA SPEARMAN**, warning her of the hazardous condition posed by the water on the floor.

9.

WAL-MART, through the actions of its employees knew, or should have known of the hazardous condition posed by the water on the floor.

10.

This incident was caused by the fault of WAL-MART in the following non-exclusive respects:

- a. By failing to maintain the premises in a safe condition;
- b. By failing to warn plaintiff of the unsafe and unreasonably dangerous condition;
- c. By failing to inspect the area and/or remove such hazards that caused plaintiff's fall;
- d. By failing to remedy the unreasonably dangerous condition;
- e. By failing to implement policies and procedures on keeping areas clean;
- f. By failing to implement policies and procedures on keeping areas free of hazardous conditions;
- g. By failing to properly train and supervise its employees regarding policies and procedures on keeping areas clean and free of hazardous conditions; and
- h. By failing to prevent plaintiff from entering into what defendant knew or should have known was an unsafe area.

11.

As a result of this incident, Plaintiff, **SHELIA SPEARMAN**, has sustained the following non-exclusive elements of damages:

- a. Physical pain, suffering, and anguish (past, present, and future);
- b. Mental anguish (past, present, and future);
- c. Loss of enjoyment of life (past, present, and future);
- d. Disfigurement and disability;
- e. Medical expenses (past, present, and future);
- f. Lost wages (past, present, and future); and
- g. Loss of earning capacity.

12.


Plaintiff's claims exceed the requisite amount for a trial by jury.

**WHEREFORE**, Plaintiff, **SHELIA SPEARMAN**, prays that defendant be duly served and

cited to appear and answer this Petition, and after the expiration of all legal delays and due proceedings are had, that there be a judgment rendered herein in favor of plaintiff and against defendant, **WAL-MART LOUISIANA, LLC**, or in the alternative an affiliate thereof, for all items of special damages incurred by plaintiff and such general damages as are reasonable in the premises, together with legal interest from the date of judicial demand until paid, all costs of this proceeding, and all such other and equitable relief to which plaintiff may be entitled.

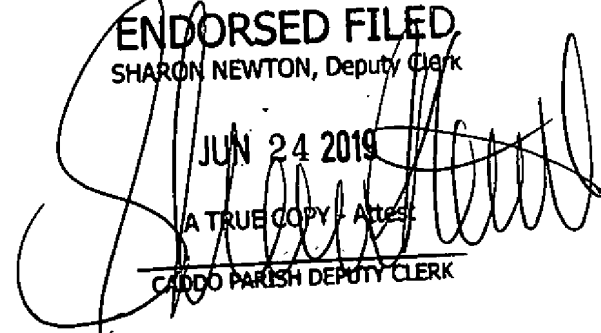
Respectfully Submitted:

**DUDLEY DEBOSIER INJURY LAWYERS**

  
**J. DAVID SHEPHERD (#37869)**  
4300 Youree Drive, Suite 250  
Shreveport, Louisiana 71105  
Phone: (318) 216-4417  
Fax: (318) 670-7417  
dshepherd@dudleydebosier.com  
*Attorneys for Plaintiff*

**PLEASE SERVE:**

**WAL-MART LOUISIANA, LLC**  
*Through Their Agent for Service of Process*  
CT Corporation System  
3867 Plaza Tower Dr.  
Baton Rouge, LA 70816

**ENDORSED FILED**  
SHARON NEWTON, Deputy Clerk  
JUN 24 2019  
A TRUE COPY - ATTEST  
  
CADDOPARISH DEPUTY CLERK

**SHELIA SPEARMAN**

**VERSUS**

**WALMART INC.**

**DOCKET NO:**

**1<sup>st</sup> JUDICIAL DISTRICT COURT**

**CADDO PARISH, LOUISIANA**

**REQUEST FOR NOTICES**

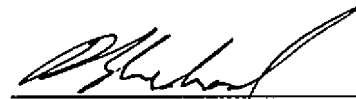
To: Honorable Mike Spence  
1<sup>st</sup> Judicial District Court of Caddo Parish  
501 Texas Street, #103  
Shreveport, LA 71101

In accordance with Louisiana Code of Civil Procedure Article 1572, you are hereby requested to give us notice by mail ten (10) days in advance of the date fixed for trial or hearing of this case, whether on exceptions, motions, rules, or the merits.

We also request immediate notice of all orders or judgments, whether interlocutory or final, made or rendered in this case upon the rendition thereof as provided by Louisiana Code of Civil Procedure Articles 1913 and 1914, including notice of judgment in the event this case is taken under advisement, or if the judgment is not signed at the conclusion of the trial.

Respectfully Submitted:

**DUDLEY DEBOSIER INJURY LAWYERS**



**J. DAVID SHEPHERD (#37869)**

4300 Youree Drive, Suite 250

Shreveport, Louisiana 71105

Phone: (318) 216-4417

Fax: (318) 670-7417

dshepherd@dudleydebosier.com

*Attorneys for Plaintiff*

SHELIA SPEARMAN

VERSUS

WALMART INC.

DOCKET NO:

1<sup>st</sup> JUDICIAL DISTRICT COURT

CADDO PARISH, LOUISIANA

**PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS**

NOW INTO COURT, through undersigned counsel, comes Plaintiff, SHELIA SPEARMAN, who propounds the following Requests for Production of Documents upon Defendant, WAL-MART LOUISIANA, LLC, to be answered in writing, under oath, and within the time provided by the Louisiana Code of Civil Procedure.

**INSTRUCTIONS FOR USE**

- A. All information is to be divulged which is in the possession of the individual or corporate party, attorneys, investigators, agents, employees, experts or other representatives of the named party and their attorney.
- B. Where the terms "you," or "Defendant" are used, they are meant to refer to the party defendant providing responses to these requests and any and all persons acting on its behalf, including, but not limited to employees and legal counsel.
- C. The term "document" or "documents" shall be used in the broadest sense and includes all written, printed, typed, recorded, digital or graphic material of any kind, including data electronically stored.

**REQUEST FOR PRODUCTION NO. 1:**

Please produce all video footage, from all angles, of the area in which Plaintiff, SHELIA SPEARMAN, fell on June 14, 2018 in the Walmart Supercenter, located at 4701 Northport Boulevard, Shreveport, Caddo Parish, Louisiana, (Store# 6932), for the one hour preceding and subsequent to the incident.

**REQUEST FOR PRODUCTION NO. 2:**

Please produce any and all accident or incident reports prepared in connection with the incident made the basis of this lawsuit.

**REQUEST FOR PRODUCTION NO. 3:**

Please produce copies of any and all documents, photographs, incident reports, investigation

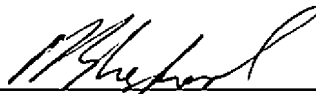
reports, and/or other information generated by any person or persons investigating the incident in question and/or the plaintiff in any manner.

**REQUEST FOR PRODUCTION NO. 4:**

Please produce a copy of any and all statements taken by Defendant regarding the incident made the basis of this lawsuit.

Respectfully Submitted:

**DUDLEY DEBOSIER INJURY LAWYERS**



**J. DAVID SHEPHERD (#37869)**

4300 Youree Drive, Suite 250

Shreveport, Louisiana 71105

Phone: (318) 216-4417

Fax: (318) 670-7417

dshepherd@dudleydebosier.com

*Attorneys for Plaintiff*

**PLEASE SERVE WITH PETITION**

ering

CPCC.CV.1251388

# Citation

SHELIA SPEARMAN  
VS  
WALMART LOUISIANA INC

NO. 617434- B  
STATE OF LOUISIANA  
PARISH OF CADDO  
FIRST JUDICIAL DISTRICT COURT

THE STATE OF LOUISIANA, TO: WALMART LOUISIANA INC  
THRU CT CORPORATION SYSTEM  
3867 PLAZA TOWER DR  
BATON ROUGE, LA  
70816

YOU HAVE BEEN SUED.

Attached to this Citation is a certified copy of the Petition.\* The petition tells you what you are being sued for.

You must EITHER do what the petition asks, OR, within FIFTEEN (15) days after you have received these documents, you must file an answer or other legal pleadings in the Office of the Clerk of this Court at the Caddo Parish Court House, 501 Texas Street, Room 103, Shreveport, Louisiana.

If you do not do what the petition asks, or if you do not file an answer or legal pleading within FIFTEEN (15) days, a judgment may be entered against you without further notice.

This Citation was issued by the Clerk of Court for Caddo Parish, on this date June 25, 2019.

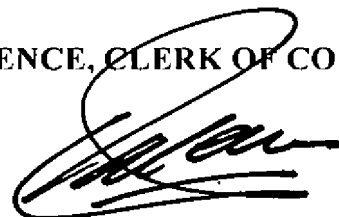
\*Also attached are the following:

REQUEST FOR ADMISSIONS OF FACTS

INTERROGATORIES

XX REQUEST FOR PRODUCTION OF DOCUMENTS

MIKE SPENCE, CLERK OF COURT



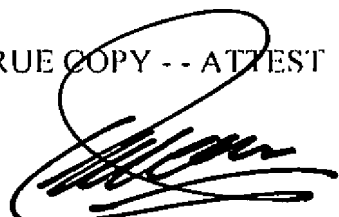
By:

Deputy Clerk

J DAVID SHEPHERD - 7311

Attorney

A TRUE COPY -- ATTEST



Deputy Clerk

These documents mean you have been sued. Legal assistance is advisable, and you should contact a lawyer immediately. If you cannot find a lawyer, please go to [www.shreveportbar.com](http://www.shreveportbar.com) and click on the Lawyer Referral Service link, or go to the Shreveport Bar Center on the third Monday of each month from 5:30 - 7:30 for a free seminar. If eligible, you may be entitled to legal assistance at no cost to you through Shreveport Bar Legal Aid. Please call 318-222-7186 for more information.

If you are a person with a disability, please contact the Clerk of Court's office for information regarding accommodation and assistance.

SERVICE COPY



**Service of Process  
Transmittal**

07/19/2019

CT Log Number 535890926

**TO:** KIM LUNDY SERVICE OF PROCESS, Legal Support Supervisor  
WALMART INC.  
702 SW 8TH ST  
BENTONVILLE, AR 72716-6209

**RE: Process Served in Louisiana**

**FOR:** Wal-Mart Louisiana, LLC (Domestic State: DE)

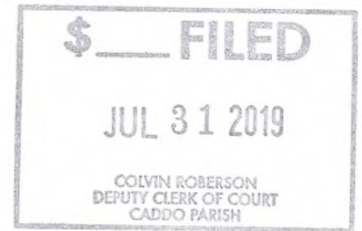
**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

<b>TITLE OF ACTION:</b>	Spearman Shelia, Pltf. vs. Wal-Mart Louisiana, LLC, Dft.
<b>DOCUMENT(S) SERVED:</b>	Citation, Petition, Request(s)
<b>COURT/AGENCY:</b>	1st Judicial District Court, Parish of Caddo, LA Case # 617434B
<b>NATURE OF ACTION:</b>	Personal Injury - Failure to Maintain Premises in a Safe Condition - 06/14/2018 #6932 Located at 4701 Northport Blvd, Shreveport, Caddo Parish, Louisiana
<b>ON WHOM PROCESS WAS SERVED:</b>	C T Corporation System, Baton Rouge, LA
<b>DATE AND HOUR OF SERVICE:</b>	By Process Server on 07/19/2019 at 08:50
<b>JURISDICTION SERVED :</b>	Louisiana
<b>APPEARANCE OR ANSWER DUE:</b>	Within 15 days after receipt (Document(s) may contain additional answer dates)
<b>ATTORNEY(S) / SENDER(S):</b>	J. David Shepherd Dudley Debosier Injury Lawyers 4300 Youree Drive, Suite 250 Shreveport, LA 71105 318-216-4417
<b>ACTION ITEMS:</b>	CT has retained the current log, Retain Date: 07/19/2019, Expected Purge Date: 07/24/2019  Image SOP  Email Notification, KIM LUNDY SERVICE OF PROCESS <a href="mailto:ctlawsuits@walmartlegal.com">ctlawsuits@walmartlegal.com</a>
<b>SIGNED:</b>	C T Corporation System
<b>ADDRESS:</b>	3867 Plaza Tower Dr. Baton Rouge, LA 70816-4378
<b>TELEPHONE:</b>	954-473-5503

Page 1 of 1 / JM

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.





SHELIA SPEARMAN

NUMBER: 617,434-B

VERSUS

1ST JUDICIAL DISTRICT COURT

WAL-MART LOUISIANA, LLC

CADDO PARISH, LOUISIANA

**ANSWER TO PETITION FOR DAMAGES**

NOW INTO COURT, through undersigned counsel, comes defendant, WAL-MART LOUISIANA, LLC ("defendant"), who in response to the allegations of the Petition for Damages filed by plaintiff, SHELIA SPEARMAN ("plaintiff"), deny each and every allegation contained therein, except as specifically admitted hereinafter. And now, responding to the separately numbered allegations of plaintiff's petition for damages, defendants respond as follows:

**ANSWER TO PETITION FOR DAMAGES**

1.

Defendant admits that it is named as a defendant.

2.

Defendant denies the allegations of paragraph 2 for lack of knowledge or information sufficient to form a belief as to their truth.

3.

Defendant admits that it owns and operates the Wal-Mart store at 4701 Northport Blvd. in Shreveport.

4.

Defendant denies the allegations of paragraph 4 for lack of knowledge or information sufficient to form a belief as to their truth.

5.

Defendant denies the allegations of paragraph 5.

6.

Defendant denies the allegations of paragraph 6.

7.

Defendant denies the allegations of paragraph 7.

8.

Defendant denies the allegations of paragraph 8.

9.

Defendant denies the allegations of paragraph 9.

10.

Defendant denies the allegations of paragraph 10 and each of its subparts.

11.

Defendant denies the allegations of paragraph 11 and each of its subparts.

12.

Defendant denies the allegations of paragraph 12 for lack of knowledge or information sufficient to form a belief as to their truth.

IN FURTHER ANSWERING, defendant affirmatively pleads as follows:

13.

Defendant affirmatively pleads the fault of plaintiff as the sole cause of the damages complained of by plaintiff. Plaintiff failed to keep a proper lookout and to observe her surroundings, and to exercise reasonable care for the safety and protection of her own person.

14.

In the alternative, defendant affirmatively pleads the comparative fault of plaintiff, or third persons. To the extent any fault is allocated to plaintiff, or third persons, any damages awarded against defendant, the right to which is denied, should be reduced in proportion to the fault of plaintiff or third persons.

15.

Defendant affirmatively pleads the fault of third persons for whom defendant is not responsible and whose fault may have caused or contributed to the damages plaintiff claims to have suffered.

16.

Defendant affirmatively pleads plaintiff's failure to mitigate her damages.

17.

Defendant alleges, without admitting any liability whatsoever, that any acts or omissions of defendant were superseded by the acts or omissions of others, including those of plaintiff, or third persons, all of which were independent, intervening and superseding causes of all alleged injury, damage or loss.

18.

Subject to further investigation and discovery, plaintiff's claims may have prescribed under applicable statutes of limitation.

19.

Defendant shows that if any of the medical expenses claimed by plaintiff in this case have been paid pursuant to Medicare and/or Medicaid, then pursuant to 42 U.S.C. § 1395(v)(b)(B)(ii)(b)(a) and La. R.S. 46:153(E), plaintiff has no cause of action for recovery of any such medicals paid by Medicare and/or Medicaid as the acceptance of payment by or on behalf of plaintiff constitutes a complete assignment of rights to said entities for recovery of those benefits.

20.

Defendant shows that it is entitled to a credit for any medical expenses discounted or mark down by any provider pursuant to an agreement with plaintiff or plaintiff's counsel and with regard to any mark down or discount resulting from health insurance

payments or pursuant to a health insurance contract under the Balanced Billing Act, La. R.S. 22:1874.

21.

Defendant is entitled to a reduction in the amount for which it may be held liable in judgment in accordance with the degree or percentage of fault and/or negligence attributable to plaintiff, or to any and all other persons and legal entities, including those which may be or are released by settlement, bankruptcy, or otherwise, all in accordance with the laws of indemnity, comparative negligence, subrogation, and/or contribution.

22.

Defendant shows that it is entitled to a credit for any medical expenses discounted or marked down by any healthcare provider who paid such expenses on behalf of or to plaintiff pursuant to the Louisiana Workers' Compensation Act.

23.

Defendant reserves the right to assert additional affirmative defenses based upon further investigation and discovery.

24.

Defendant is entitled to and prays for a trial by jury as to all issues triable by a jury.

WHEREFORE, defendant, WAL-MART LOUISIANA, LLC, respectfully prays the above and foregoing answer be deemed good and sufficient; and that following due proceedings had, there be judgment herein in favor of defendant and against plaintiff, rejecting and dismissing the claims and demands of the plaintiff at plaintiff's cost.

DEFENDANT FURTHER PRAYS for all general and equitable relief.

DEFENDANT FURTHER PRAYS for a jury trial as to all issues triable by a jury.

BLANCHARD, WALKER, O'QUIN & ROBERTS  
(A Professional Law Corporation)

By:   
\_\_\_\_\_  
Scott R. Wolf, La. Bar #28277

700 Regions Bank Tower  
Post Office Drawer 1126  
Shreveport, Louisiana 71163-1126  
Telephone: (318) 221-6858  
Telecopier: (318) 227-2967

ATTORNEYS FOR DEFENDANT,  
WAL-MART LOUISIANA, LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the above and foregoing Answer to Petition for Damages has this date been served upon the following parties by placing same in the United States Mail, postage paid.

J. David Shepherd, Esq.  
DUDLEY DEBOSIER INJURY LAWYERS  
4300 Youree Drive, Suite 250  
Shreveport, LA 71105

Shreveport, Louisiana, this 31<sup>st</sup> day of July, 2019.

  
\_\_\_\_\_  
OF COUNSEL





SHELIA SPEARMAN

NUMBER: 617,434-B

VERSUS

1ST JUDICIAL DISTRICT COURT

WAL-MART LOUISIANA, LLC

CADDO PARISH, LOUISIANA

**REQUEST FOR NOTICE OF TRIAL AND JUDGMENT**

NOW INTO COURT, through undersigned counsel, come the defendants, WAL-MART LOUISIANA, LLC ("defendant"), who requests that it be given at least ten (10) days' written notice in advance in accordance with Article 1571 and 1572 of the Louisiana Code of Civil Procedure, of the date that this case is to be fixed for hearing or trial, and pursuant to Articles 1913 and 1914 of the Louisiana Code of Civil Procedure, of all final and interlocutory judgments.

BLANCHARD, WALKER, O'QUIN & ROBERTS  
(A Professional Law Corporation)

By: \_\_\_\_\_

Scott R. Wolf, La. Bar #28277

700 Regions Bank Tower  
Post Office Drawer 1126  
Shreveport, Louisiana 71163-1126  
Telephone: (318) 221-6858  
Telecopier: (318) 227-2967

ATTORNEYS FOR DEFENDANT,  
WAL-MART LOUISIANA, LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the above and foregoing Request for Notice of Trial and Judgment has this date been served upon the following parties by placing same in the United States Mail, postage paid.

J. David Shepherd, Esq.  
DUDLEY DEBOSIER INJURY LAWYERS  
4300 Youree Drive, Suite 250  
Shreveport, LA 71105

Shreveport, Louisiana, this 31<sup>st</sup> day of July, 2019.



---

OF COUNSEL